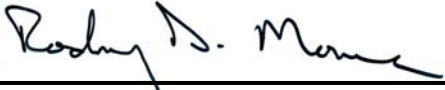


**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 4	Number 3	Effective Date 10/30/07	Review Date 2011
Subject SUBSTANCE ABUSE POLICY			☐ New Order ☒ Replaces G.O. 302-1 (10/17/03)
References Administrative Rule #4053, Substance Abuse Policy General Order 1-1 (Rules 16-19), 7-21			
 _____ Chief of Police or Designee		10/30/07 _____ Date	

I. PURPOSE

The purpose of this Order is to establish a substance abuse policy and procedure for the Richmond Police Department. This directive contains information regarding the duties and responsibilities of both management and employees relative to substance abuse in the workplace.

II. POLICY

It is the policy of the Richmond Police Department to establish and maintain a safe and healthy working environment for its employees, free from alcohol abuse and illegal drug use. To that end, the Department is committed to a policy of non-tolerance for its applicants and employees wherein alcohol abuse and illegal drug use are concerned.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINITIONS

- A. ***ABUSE - Use of alcohol, illegal and/or prescription drugs in a manner other than that prescribed by a licensed physician, or in a manner inconsistent with its medically prescribed or intended use, or in such a fashion to cause physical or behavioral problems or under circumstances where use is not permitted.***

- B. ***REASONABLE SUSPICION – Reasonable suspicion is based on the totality of the circumstances and shall be based on specific, contemporaneous, articulated observations concerning the appearance, behavior, speech or body odors of the employee. In making a determination of reasonable suspicion, the factors to be considered will include, but are not limited to the following: adequately documented pattern of unsatisfactory work performance for which no apparent non-impairment related reason exists, or a change in an employee’s prior pattern of work performance, especially where there is some evidence of alcohol related behavior on or off the work site; physical signs and symptoms consistent with alcohol abuse; evidence of prohibited alcohol use, possession, sale or delivery while on duty; and, occurrence of a serious or potentially serious accident that may have been caused by human error, or flagrant violations of established safety, security or other operational procedures.***
- C. ***SUBSTANCE ABUSE POLICY (SAP) COORDINATOR – The Lieutenant assigned to the Internal Affairs Division that shall coordinate substance detection testing (alcohol and drug tests) within the Police Department.***

V. PROCEDURE

A. General Information:

In all matters relative to alcohol abuse and illegal drug use in the workplace, the Richmond Police Department and its employees will conform to and be governed by the provisions of the City of Richmond’s Substance Abuse Policy, Administrative Regulation #4053. ***This policy is available online at <http://www.ci.richmond.va.us/departments/hr/docs/CityofRichmondSubstanceAbusePolicy.pdf>***

B. Prohibition:

Department employees are bound, pursuant to the Department’s Code of Conduct policy, General Order 1-1 (Rules of Conduct 16-19), to stringent guidelines concerning the possession and use of drugs; alcoholic beverages and drugs in police facilities; use of alcohol while on duty, on call or in uniform; and, use of alcohol while off duty. Any employee who engages in such conduct or encourages such behavior by others shall be subject to disciplinary sanctions up to and including dismissal from City employment pursuant to the Department’s Code of Conduct.

C. Exemptions:

Pursuant to conditions set forth in the Substance Abuse Policy of the City of Richmond, the Department has been granted certain exemptions, which will enable our employees to carry out their official duties and responsibilities without violating its provision.

Employee Rules of Conduct:

1. Under proper and specific orders from a supervisory officer, a police officer may, in his/her official capacity, have possession of or consume, as required, alcoholic beverages and a police officer may, in his/her official capacity, have possession of or simulate the use of, as required, narcotic and/or drug substances for the purpose of conducting an ongoing investigation. Under no circumstances shall this policy allow for the actual use of any controlled substances, narcotics or hallucinogens.

2. Training **Exceptions:**

Employees engaged in Breath Alcohol Operator's Certification Courses and the Standardized Field Sobriety Test Battery may use alcoholic beverages, pursuant to and as an integral part of the training process.

3. Testing of Recruits En Masse:

Members of a recruit class may be tested en masse. However, it is understood this testing is not random or unpredictable and is done under the "annual testing" doctrine.

D. High-Risk Pool:

1. By virtue of the high-risk nature of their assignment, employees assigned to certain positions within the Department, at the direction of the Chief of Police **or designee** will be included in a high-risk pool for additional testing.
2. It will be the responsibility of the Police Personnel and Recruitment **Division** to provide, on a continuing basis, the Department of Human Resources with the identities of the employees assigned to the designated positions.

E. **Random Selection Process:**

The random selection procedure is a computer-based number generator by which a number is matched with a valid position number and the employee's social security number. For additional information regarding pre-employment, post-accident, reasonable suspicion, return-to-duty and follow-up substance detection testing selection process and procedures, refer to the City of Richmond's Substance Abuse Policy, Administrative Regulation #4053.

1. *The City maintains a variety of "pools" from which the random selection process will take place. The percentage of persons to be tested from each of these pools is determined as mandated by City regulations.*
2. *Within every twelve (12) month calendar period, the City randomly tests a percentage from each pool, as designated by Human Resources. The specific percentage is maintained in Human Resources for review and inspection. An employee may be randomly picked more than once or not picked at all during a twelve month period.*

3. *The selection of employee names for random testing is conducted only by persons in the Department of Human Resources who are responsible for the administration of the Substance Abuse Policy. Any other person who requires an employee to submit to a random substance detection test shall be subject to disciplinary action, up to and including dismissal from City employment.*
4. *The Officer-in-Charge of the Internal Affairs Division (IAD) or designee shall notify the employee's Commander and/or civilian employee equivalent when an employee has been selected for random test(s). The Commander and/or civilian employee equivalent shall document the notification on the Supervisory Notification Log, located at X:\RPD Forms\Safety Officer and Risk Management\SAP - Supervisor Notification Log.dot, and shall complete and return IAD form-12 to the Internal Affairs Division within 24 hours of notification. IAD form-12 may be hand delivered to IAD or it may be faxed to IAD at 646-6821.*
5. *The employee shall report for testing within 45 minutes of being notified by his/her Commander and/or civilian employee equivalent. Failure to report and/or submit to random testing within the allotted time frame may result in disciplinary action, up to and including dismissal from City employment.*
6. *When the selected employee is working in facilities outside of City limits and is unable to report to testing within 45 minutes, the employee's Commander and/or civilian employee equivalent shall immediately notify the Police Department SAP Coordinator.*
7. *Employees shall provide within one day (24 hours) of request a current valid prescription for any drug found to be in his/her possession or identified in a positive drug screen analysis. Failure to provide a valid prescription shall give rise to a presumption that the employee did not legally possess or use the drug. Employees shall also notify his/her Commander and/or civilian employee equivalent of any criminal drug related conviction within forty-eight (48) hours of the conviction.*

F. *Prevention and Training:*

In an effort to avoid and eliminate alcohol abuse and illegal drug use in the workplace, the Department, through the Human Resources Division Chief or designee, will take affirmative steps to sensitize all of its employees to the unlawful nature of substance abuse and express strong disapproval of such conduct. The Department of Human Resources maintains an alcohol and drug awareness program for all City employees to include instruction on the conditions for testing for substances, confidentiality requirements, the impact of positive test results and applicable employee appeal rights.

G. *Physical Searches:*

Physical searches shall be subject to the following rules:

1. ***If a supervisor has “reasonable suspicion”, as defined in this Policy, he/she may request an employee to turn over any alcohol and/or drugs or paraphernalia on his/her person or to permit a search of areas under the employee's sole control, including his/her personal vehicle. Such a request may not be made to an employee in the absence of reasonable suspicion. If the employee clearly, voluntarily, and unequivocally gives permission, such a search may be made; but in the absence of such permission a physical search may not be made without a warrant. Refusal to give permission may not be the basis for imposition of any discipline.***
2. ***Supervisors may search, without employee consent, all areas and property in which the City maintains either joint control with the employee or full control. All city vehicles, city equipment and city owned property are subject to full search without the employee’s consent.***
3. ***If alcohol or illegal drugs are found in an employee's possession or in any area under his/her control, a sworn supervisor will be immediately summoned. All reasonable efforts short of physical force shall be used to prevent the employee from disposing of the alcohol/drugs before the sworn supervisor arrives.***

H. Confidentiality:

All investigations into allegations of substance abuse shall be confidential and shall be thoroughly investigated following complaint procedures set forth in General Order 7-21, Internal Investigations, Citizen Complaints and Integrity Tests. Absolute confidentiality cannot be legally guaranteed, however, the Department will make every effort to preserve the confidentiality of all information. All employees are charged with maintaining confidentiality.

VI. ROLES AND ACCOUNTABILITY

A. Employees shall:

1. ***Conform to and be governed by the provisions of the City of Richmond’s Substance Abuse Policy, Administrative Regulation #4053. Online: <http://www.ci.richmond.va.us/departments/hr/docs/CityofRichmondSubstanceAbusePolicy.pdf>***
2. ***Follow Department rules pertaining to the possession and use of drugs; alcoholic beverages and drugs in police facilities; use of alcohol while on duty, on call or in uniform; and, use of alcohol while off duty;***
3. ***Submit to substance detection testing (alcohol and drug tests) within 45 minutes of notification when requested to do so by his/her Commander and/or civilian employee equivalent and/or the Department of Human Resources pursuant to this Policy;***

4. *Provide within one day (24 hours) of request a current valid prescription for any drug found to be in his possession or identified in a positive drug screen analysis. Failure to provide a valid prescription shall give rise to a presumption that the employee did not legally possess or use the drug;*
 5. *Notify his/her Commander and/or civilian employee equivalent of any criminal drug related conviction within forty-eight (48) hours of the conviction; and,*
 6. *Maintain confidentiality in matters related to all investigations into allegations of substance abuse.*
- B. *Human Resources Division Chief or designee shall:*
- Take affirmative steps to sensitize all of its employees to the unlawful nature of substance abuse and express strong disapproval of such conduct.*
- C. *Officer-in-Charge of the Personnel & Recruitment Division or designee shall:*
- Provide the Department of Human Resources with a continuously updated list of the employees assigned to designated high-risk positions.*
- D. *Employee's Commander and/or Civilian Employee Equivalent shall:*
1. *Document drug and alcohol screening tests on the Supervisory Notification Log, located at X:\RPD Forms\Safety Officer and Risk Management\SAP - Supervisor Notification Log.dot;*
 2. *Complete and Return IAD form-12 to the Internal Affairs Division within 24 hours of notification. IAD form-12 may be hand delivered to IAD or it may be faxed to IAD at 646-6821;*
 3. *Notify the employee when he/she is selected for drug and alcohol screening testing;*
 4. *Immediately notify the SAP Coordinator when the selected employee is working in facilities outside of City limits and is unable to report for testing within 45 minutes; and,*
 5. *Have the authority to request an employee to turn over any alcohol and/or drugs or paraphernalia on his/her person or to permit a search of areas under the employee's sole control, including his/her personal vehicle where "reasonable suspicion" exists and when the employee clearly, voluntarily, and unequivocally gives permission for such a search to be made.*
- E. *Supervisors shall:*

1. *Have the authority to request an employee to turn over any alcohol and/or drugs or paraphernalia on his/her person or to permit a search of areas under the employee's sole control, including his/her personal vehicle where "reasonable suspicion" exists and when the employee clearly, voluntarily, and unequivocally gives permission for such a search to be made;*
2. *Not impute any discipline on any employee who refuses to grant permission for searches; and,*
3. *Have the authority to search or cause to be searched all areas and property in which the City maintains either joint control with the employee or full control, including all city vehicles, city equipment and city owned property without the employee's consent.*

F. *Sworn Supervisors shall:*

Have the authority to seize alcohol and illegal drugs found in an employee's possession or in any area under his/her control.

G. *Officer-in-Charge of the Internal Affairs Division or designee shall:*

1. *Notify the employee's Commander and/or civilian employee equivalent when the employee is selected for random test(s);*
2. *Review and investigate allegations of substance abuse and take immediate and appropriate action; and,*
3. *Investigate all allegations of substance abuse in a confidential manner.*

H. *Substance Abuse Policy (SAP) Coordinator shall:*

Coordinate substance detection testing (alcohol and drug tests) for Police employees.

I. *Chief of Police or designee shall:*

Have the authority to include high-risk personnel in selection pool for additional substance detection testing.

VII. **FORMS**

A. *Supervisory Notification Log*

B. *IAD form-12*